

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LIMOLINER, INC.,)	
Plaintiff,)	
)	
vs.)	NO. 05-11888
)	
SETRA OF NORTH AMERICA, INC.,)	
Defendant.)	
SETRA OF NORTH AMERICA, INC.,)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
UPSTATE TOURS, INC. and UPSTATE)	
TRANSIT, INC.,)	
Third-Party Defendants.		

SETRA OF NORTH AMERICA, INC.'S MOTION FOR LEAVE TO CONDUCT
JURISDICTIONAL DISCOVERY AND EXTENSION OF TIME
TO RESPOND TO THIRD-PARTY DEFENDANT
UPSTATE TRANSIT, INC.'S MOTION TO DISMISS

Defendant/Third-Party Plaintiff, SETRA OF NORTH AMERICA, INC. (hereinafter referred to as "SETRA"), a Maine corporation, by and through its attorneys, CAMPBELL, CAMPBELL, EDWARDS & CONROY, PC, and CREMER, KOPON, SHAUGHNESSY & SPINA, LLC (pro hac vice), states as follows for its Motion for Leave to Conduct Jurisdictional Discovery and Extension of Time to Respond to UPSTATE TRANSIT, INC.'S Motion to Dismiss:

1. On July 11, 2006, SETRA filed a Third-Party Complaint against UPSTATE TRANSIT, INC. and UPSTATE TOURS, INC.
2. On August 18, 2006, service was effected on both third-party defendants.

3. On October 6, 2006, UPSTATE TRANSIT, INC. filed a Notice of Limited Appearance and Motion to Dismiss for lack of personal jurisdiction after SETRA'S counsel agreed to give UPSTATE TOURS, INC. an extension of time to file its responsive pleading.

4. In lieu of filing a response brief at this time, SETRA respectfully requests leave to conduct minimal written discovery on the jurisdictional issue and to depose affiant Glenn Matthews, whose affidavit was submitted in support of UPSTATE TRANSIT, INC.'S motion.

5. SETRA's investigation thus far has revealed that UPSTATE TRANSIT, INC. may transact business in Massachusetts and therefore be subject to the general jurisdiction of this Court. SETRA will file its response to Upstate's motion after jurisdictional discovery is completed.

WHEREFORE, Defendant/Third-Party Plaintiff, SETRA OF NORTH AMERICA, INC., prays that this Honorable Court grant it leave to conduct minimal written discovery related to the jurisdictional issue and to depose Glenn Matthews.

SETRA OF NORTH AMERICA

By their Attorneys,

/s/ Kiley M. Belliveau

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CERTIFICATE OF SERVICE

I, Kiley M. Belliveau, of Campbell Campbell Edwards & Conroy, Professional Corporation, attorney for Setra of North America, Inc, hereby certify that on October 20, 2006, a true copy of the above document was served upon the following via the ECF system and First Class Mail:

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/s/ Kiley M. Belliveau
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